

SIEMENS

Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Phone: (732) 321-3017
Fax: (732) 590-1291

RECEIVED
CENTRAL FAX CENTER

MAR 28 2005

facsimile transmittal

To: Board of Patent Appeals and Interferences From: Brian K. Johnson
Fax: 571-273-0299; 703-872-9306 Date: March 28, 2005
Phone: Pages: 5
Re: 09/496,549 - 1996P07613US04 CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: Attached please find the following documents:

This is a duplicate of the submission that was originally transmitted to 703-308-7952 on 3-24-

05.

- > Request for Rehearing - 2 pp;
- > Original Fax cover sheet submitted to 703-308-7952 on 3-24-05;
- > Confirmation sheet of fax sent on 3-24-05

The information contained in this fax is intended solely for the use of the recipient named above. This fax may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient of this fax or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this fax in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you have received this fax in error, please notify us immediately at the above telephone number and destroy the original transmission. Thank you for your cooperation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED
CENTRAL FAX CENTER

MAR 28 2005

Applicant: G. King

Serial No.: 09/496,549

For: Method and System for Handling
Telecommunications Data Traffic

Filed: February 2, 2000

Group: 2662

Examiner: A. Qureshi

Att'y Dkt.: 1996 P 07613 US 04

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

I hereby certify that this paper is being sent this
day via facsimile to 703-308-7952.

Brian K. Johnson
Attorney Name

46,808
Reg. No.


Signature

March 24, 2005
Date of Signature

Request for Rehearing

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant/appellant respectfully requests a rehearing on the grounds that the decision on appeal does not take into account the use of "termination unit" as understood by those skilled in the art as mandated by In re Cortright, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999).

The decision on appeal states that no definition was provided for "termination unit." It also states that the "appellant has not directed our attention to evidence that the term 'termination unit' has a special meaning to persons skilled in the art." Page 3. However, line termination does indeed have a specific meaning to those skilled in the art and is central to this application.

At nearly the beginning of the specification, the concept of line termination is introduced:

Lines 4 (such as twisted-pairs of the loop transmission facility 608 for example) carrying analog signals (such as signals from telephones or modems for example) are terminated at a subscriber line interface circuit (or "SLIC") (not shown) of an analog subscriber line module (not shown) of a digital line unit 2, 6. Digital signals (such as signals from an ISDN terminal) are terminated at analog and digital subscriber line interface circuits (not shown) in the digital line units 2, 6.

Specification, page 2, lines 9-18. That line termination is well-known in the telecommunications art is further evidenced by numerous technical references,

glossaries, and sources on Internet websites that define and discuss the concept. One such work, Newton's Telecom Dictionary, provides the following definitions for line termination:

1) Defines the local loop at the telephony company side of a digital connection - DSL or ISDN. The classic line termination devices is the NT1 at the user side of the interface.

2) A Verizon definition. Equipment that terminates a BRI or Centrex BRI digital subscriber line on the network side of the network to the end user (or CLEC) interface. Alternatively, electronics at the ISDN network side of the user-network interface that complement the electronics equipment.

The Commissioner for Patents may take official notice that line termination is well-known in the telecommunications art. M.P.E.P. § 2144.03. To do otherwise would be contrary to the requirement that such terms be given the meaning accorded by those skilled in the art.

Returning to the application, the specification and drawings identify physical embodiments of the termination unit including a basic rate interface, a remote line termination unit, a remote data terminal, and a subscriber line interface circuit (see, e.g., the basic rate interface 410a, p. 16, lines 18-22, and Figure 4; the remote line termination unit 508, p. 19, lines 27-37, and Figure 5).

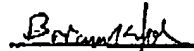
Moreover, termination of a line should be distinguished from the act of separating analog and digital signals -- the function performed by McHale's splitter 50. In McHale, the termination function occurs after the splitter 50 at the communications server 58. Additionally, this server 58 does not "communicate" with the switch 56 (independent claims 32 and 38), yet another distinction rendering the claims novel and not obvious in view of this reference.

Finally, there need not be any concern that the claims may inadvertently read on existing technology, as the appellant again affirms that the claims cannot read on a splitter, and, thus, on this record, the claims are not of improper scope. See In re Yamamoto, 740 F.2d 1569, 222 U.S.P.Q. 934 (Fed. Cir. 1984).

In view of In re Cortright, supra, and the foregoing, the applicant respectfully requests reconsideration of the decision on appeal and reversal of the examiner.

Dated: March 24, 2005

Respectfully submitted,



Brian K. Johnson
Attorney for Applicant(s)
Reg. No. 46,808

Siemens Corporation
170 Wood Avenue South
Iselin, N.J. 08830
(732) 321-3017

SIEMENS

Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Phone: (732) 321-3017
Fax: (732) 590-1291

facsimile transmittal

RECEIVED
CENTRAL FAX CENTER

MAR 28 2005

To: Assistant Commissioner of Patents **From:** Brian K. Johnson
Fax: 703-308-7952 **Date:** March 24, 2005
Phone: **Pages:** 3
Re: 09/496,549 - 1996P07613US04 **CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: Attached please find the following documents:

➤ Request for Rehearing - 2 pp

The information contained in this fax is intended solely for the use of the recipient named above. This fax may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient of this fax or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this fax in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you have received this fax in error, please notify us immediately at the above telephone number and destroy the original transmission. Thank you for your cooperation.

03-28-05;10:34AM;

;1-732-321-3030

5/ 5

WorkCentre M128

Transmission Report

03 10

1-732-321-3030

Date/Time: 03/24/2005:01:10PM

Page: 1 (Last Page)

Local Name
Logo

Document has been sent.

Document Size 8.6X11"SEP

SIEMENS

facsimile transmittal

Authorized Faxing Department
 70 West Avenue East
 Suite 407
 Phone: (202) 223-2817
 Fax: (202) 280-1381

To: Assistant Commissioner of Finance From: Brian W. Johnson
 Fax: 202-308-7952 Date: March 24, 2005
 Phone: Pages: 3
 Ref: 00495549 - 19267076110704 CC:
☐ Urgent ☐ Error Report ☐ Return Message ☐ Please Reply ☐ Please Reply

Message: Attached please find the following documents:

> Request for Rehearing - 2 pp

The information contained in this fax is intended solely for the use of the recipient named above. This fax may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient of this fax or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this fax in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you have received this fax in error, please notify us immediately at the phone telephone number and destroy the original transmittal. Thank you for your cooperation.

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	5629	703 308 7952	3-24: 1:08PM	396	3/ 3	S03		CP

Note:
 RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
 PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
 SA: Send Again EN: Engaged AS: Auto Send TM: Terminated